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Feb-01-04 14:55 From-Bradshaw Smith & Co LLP +702 878 4510 T-056 P 012/026 F-391

submitted that the invention defined by dependent Claim 20 is not obvious and withdrawal of the rejection of Claim 20 under 35 U.S.C. § 103 (a) is believed in order and courteously requested.

In view of the foregoing, it is apparent that Postgen does not anticipate, does not teach, suggest, or render obvious the unique combination of features now recited in pending Claim 20 which depends from independent Claim 18. Accordingly, it is respectfully requested that the rejections of Claim 20 under 35 U.S.C. § 102(b) and/or 35 U.S.C. § 103(a) be withdrawn.

c. Rejection of Claim 21 under 35 USC §103 (a)

The Examiner rejected Claim 21 under 35 USC 103 (a) as being unpatentable over the cited Postgen reference. The Examiner states: "Claim 21 limits the metal to having a thickness of 0.0002-0.03 mm." The Examiner alleges: "Postgen teaches the metal layer to be about 300 Angstroms (0.0003 mm). However, it would have been obvious to one of ordinary skill in the art to modify the disclosed thickness of the aluminum. Motivation to do so would be to improve the heat retaining properties by increasing the thickness."

Applicant respectfully traverses the rejection of Claim 21 under 35 USC §103 (a). Applicant notes (see above discussion) that Postgen is a "reflective surgical drape" whose purpose is to "reduce the rate of heat loss in human patients during a variety of surgical procedures" which in no way resembles or even suggests a blackout and thermal drapery as claimed by the Applicant (this is non-analogous art). Applicant has amended Claim 21 to more clearly define the metalized film as being "light impermeable". This amendment is intended to more patentably distinguish over the cited prior art and no reduction in scope of the remaining claims is intended. Respectfully, Postgen's motivation to increase the thickness of the metal layer is not disclosed nor suggested and, therefore, it is a matter of gross speculation to say that such an increase in thickness (about 10 times) is possible in Postgen.

AMENDMENT

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Please deliver the following pages to:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group Art Unit: 1771

Examiner: Cheryl Ann Juska

In Re PATENT APPLICATION Of:

Applicant(s): Jack J. Richards)

Serial No. : 10/082,039)

Filed : February 20, 2002)


AMENDMENT

For : BLACKOUT AND THERMAL)
DRAPERY AND DRAPERY)
LINING AND METHOD THEREFOR)

Docket No. : 4244P2431

February 9, 2004

I hereby certify that on the 9th day of February, 2004, this correspondence is being faxed to Examiner Juska at 1-703-872-9306.


Harry M. Weiss

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A one month extension of time is submitted herewith to permit the filing of this Amendment at this time.

In response to the Examiner's Action mailed on October 7, 2003, please amend the above-identified application as follows: